

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

WILLIAM MARTIN,

**Plaintiff,**

V.

JEFFREY A. UTTECHT, et al.,

### Defendants.

CASE NO. C18-5929 BHS-JRC

**ORDER DENYING PLAINTIFF'S  
OBJECTIONS AND  
TRANSFERRING CASE**

This matter comes before the Court on the Report and Recommendation (“R&R”) Honorable J. Richard Creatura, United States Magistrate Judge, Dkt. 56, and aff William Martin’s (“Plaintiff”) objections to the R&R, Dkt. 57.

On March 6, 2020, Defendants moved for the Court to either dismiss or transfer the lawsuit pursuant to 28 U.S.C. § 1406(a). Dkt. 31. On March 17, 2020, Plaintiff responded. Dkt. 40. On March 25, 2020, Defendants replied. Dkt. 45. On April 3, 2020, Plaintiff filed a surreply.<sup>1</sup> Dkt. 48.

<sup>1</sup> This surreply is stricken because it fails to comply with the local rules. See Local Rules W.D. Wash. LCR 7(g) (surreply may only request that the Court strike material improperly submitted with a reply).

1 When a party files objections to a nondispositive order, the “district judge in the  
2 case must consider timely objections and modify or set aside any part of the order that is  
3 clearly erroneous or is contrary to law.” Fed. R. Civ. P. 72(a).

4 Plaintiff has failed to show that any part of Judge Creatura’s order is clearly  
5 erroneous or contrary to law. Plaintiff is currently housed or will soon be housed in the  
6 Washington Corrections Center for Women located in Gig Harbor within the Western  
7 District. Dkt. 57. However, venue is determined by where the defendants reside or where  
8 a substantial part of the events giving rise to the claims occurred, 28 U.S.C. § 1391(b),  
9 which Judge Creatrura concluded is the Eastern District of Washington, Dkt. 56 at 3.  
10 Plaintiff has failed to show that this conclusion is clearly erroneous or contrary to law.  
11 Therefore, the Court **DENIES** Plaintiff’s objections and directs the Clerk to transfer this  
12 case to the Eastern District of Washington. *Grimes v. City & Cty. of San Francisco*, 951  
13 F.2d 236, 240 (9th Cir. 1991)(On nondispositive matters, the “district court shall defer to  
14 the magistrate’s orders unless they are clearly erroneous or contrary to law.”).

15 **IT IS SO ORDERED.**

16 Dated this 1st day of September, 2020.

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BENJAMIN H. SETTLE  
United States District Judge